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PATENT  
CUSTOMER NO. 22,852  
ATTORNEY DOCKET NO. 03804.0139-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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P.2.

ASSISTANT COMMISSIONER FOR PATENTS  
BOX CPA  
Washington, D.C. 20231

Prior Application Art Unit: 1632

Prior Application Examiner: S. Priebe

SIR: This is a request for filing a Continued Prosecution Application as a:

Continuation or  Divisional application under 37 C.F.R. § 1.53(d) of pending prior nonprovisional application Serial No. 08/776,786 filed May 1, 1997 for ADENOVIRUS COMPRISING A GENE CODING FOR GLUTATHIONE PEROXIDASE by the following named inventor(s):

1. Martine BARKATS
2. Jacques MALLET
3. Frederic REVAH

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1.  Applicants hereby petition for a five-month extension of time. The filing fee includes the amount of \$1890.00 to cover the cost of this extension of time.
2.  Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
3.  Enter the amendment previously filed on [Date] under 37 C.F.R. § 1.116 but unentered, in the prior application.
4.  A Preliminary Amendment is enclosed.
5.  This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53 (d)(4).
  - a.  DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_

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06/27/2001 TGEDAHU1 00000016 08776786  
01 FC:124

1850.00 OP

06/27/2001 TGEDAHU1 00000016 08776786

02 FC:131

710.00 OP

b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

6.  The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

Basic Application Filing Fee					\$710	\$ 710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	10	-	20	0	x \$18	0
Independent Claims	1	-	3	0	x \$80	0
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$270	
Subtotal						\$ 710.00
Reduction by 1/2 if small entity						-
<b>TOTAL APPLICATION FILING FEE</b>						<b>\$ 710.00</b>

7.  A check in the amount of \$2600.00 to cover the filing fee and any extension of time fees is enclosed.

8.  The Commissioner is hereby authorized to charge any fees including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 06-0916.

9.  A verified statement claiming small entity status  
 is enclosed or  is on file in the prior application.

10.  Priority of application Serial No. FR 94/09982 filed on August 12, 1994, in France is claimed under 35 U.S.C. § 119. A certified copy  
 is enclosed or  is on file in the prior application.

11.  The prior application is assigned of record to: Rhone-Poulenc Rorer S.A.

12.  The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593;

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13.  Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, Customer Number 22,852.

14.  Recognize as associate attorney \_\_\_\_\_

15.  Also enclosed is \_\_\_\_\_

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 08/776,786, filed

May 1, 1997, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Steven P. O'Connor  
Reg. No. 41, 225  
(202) 408-4079

Dated: June 26, 2001

By:   
Charles D. Nieburski  
Reg. No. 46,116  
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